

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In Re:

ALAN R. MEYERS
A/K/A ALAN RODERICK MEYERS
A/K/A RICK MEYERS,
Debtor

ACNB BANK, f/k/a ADAMS COUNTY
NATIONAL BANK,

Movant

vs.

ALAN R. MEYERS,
Respondent

Chapter 13

Case No. 1:16-bk-04715-RNO

**OBJECTION OF ACNB BANK
TO CONFIRMATION OF CHAPTER 13 PLAN**

COMES NOW, this 19th day of January, 2017, ACNB Bank, by and through its attorneys, CGA Law Firm P.C., Craig S. Sharnetzka, Esquire, and respectfully represents the following:

PARTIES

1. The Movant is ACNB Bank, (hereinafter "Movant"), P.O. Box 3129, Gettysburg, Pennsylvania 17325. Movant is represented by CGA Law Firm, Craig S. Sharnetzka, Esquire, 135 North George Street, York, Pennsylvania 17401.
2. The Respondent is the within Debtor, Alan R. Meyers (hereinafter "Debtor"). Debtor is represented by Imblum Law Offices, P.C., Gary J. Imblum, Esquire, 4615 Derry Street, Harrisburg, Pennsylvania 17111.

3. Charles J. DeHart, III Esquire (hereinafter "Trustee"), has been duly appointed and qualified to act as the Trustee in the within bankruptcy case and maintains an office at 8125 Adams Drive, Suite A, Hummelstown, Pennsylvania 17036.

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BACKGROUND

4. Debtor filed the within case as a voluntary Chapter 13 on November 17, 2016.
5. Debtor is obligated to Movant on a Note which is secured by way of a first mortgage against Debtor's real estate located at 1 Fox Trail, Gettysburg, Adams County, Pennsylvania.
6. The Note obligates the Debtor to pay to Movant monthly installment payments in an amount equal to 1.0% of the outstanding balance.

7. At the time of the filing of the within case, the principal balanced owed to Movant was \$244,978.71 and the amount of the pre-petition delinquency owed by Debtor to Movant was \$7,149.00 as is evidenced by Proof of Claim No. 3 filed by Movant on December 12, 2016.

OBJECTION

8. Movant objects to the confirmation of the Debtor's Chapter 13 Plan for the following reasons:
 - a. While Debtor's Chapter 13 Plan provides for the payment in full of the first mortgage owed to Movant upon the sale of the Debtor's real estate, it does not provide for adequate protection payments to Movant pending the sale of the Debtor's real estate;
 - b. Additionally, because Debtor's Motion to Sell Real Estate Free and Clear of Liens proposes to sell Debtor's real estate for an amount less than the scheduled value of the real estate, and because the lack of adequate protection payments will only serve to increase the outstanding amount owed to Movant, Movant believes there may not be sufficient equity in Debtor's real estate to provide Movant with adequate protection on the basis of equity alone.

WHEREFORE, ACNB Bank, f/k/a Adams County National Bank, requests that this Honorable Court deny confirmation of the Debtor's Chapter 13 Plan.

Respectfully submitted,

CGA Law Firm P.C.

/s/Craig S. Sharnetzka, Esquire
Craig S. Sharnetzka, Esquire
Supreme Court No. 83863
135 North George Street
York, Pennsylvania 17401
Telephone: (717) 848-4900

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on January 19, 2017, a true and correct copy of the attached Objection was served upon the following parties in the following manner:

Name	Mode of Service
Charles J. DeHart, III, Chapter 13 Trustee	Via CM/ECF
Gary J. Imblum, Esquire	Via CM/ECF
Alan R. Meyers 1 Fox Trail Gettysburg, PA 17325	United States First Class Mail, Postage Prepaid

I certify under penalty of perjury that the forgoing is true and correct.

Date: January 19, 2017

/s/Craig S. Sharnetzka, Esquire
Craig S. Sharnetzka, Esquire